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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,578	04/14/2004	Hideo Hashimoto	289A 3555	6535

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KODA & ANDROLIA  
2029 CENTURY PARK EAST  
SUITE 1140  
LOS ANGELES, CA 90067

EXAMINER

GOODLEY, JAMES E

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/824,578

Applicant(s)

HASHIMOTO, HIDEO

Examiner

James E. Goodley

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/14/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/24/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification Objections***

The disclosure is objected to because of the following informalities: Lines 15-18 on page 6 of the specification should read, "Fig. 2 is a circuit diagram of a simplified oscillator circuit applied to the first embodiment of the crystal oscillator circuit in accordance with the present invention; Fig. 3 is an internal circuit diagram of ECL circuitry applied to the first embodiment of the crystal oscillator circuit in accordance with the present invention;".

Lines 12-15 on page 7 should read, "A first embodiment of a crystal oscillator circuit in accordance with the present invention is shown in Figs. 1 to 3, with Fig. 1 showing the crystal oscillator circuit, Fig. 2 showing a simplified oscillator circuit, and Fig. 3 showing an internal circuit diagram of the ECL circuitry."

Appropriate correction is required.

### ***Drawing Objections***

Fig. 1 should have the two capacitors directly connected to resonator 3 labeled as "4a" and "4b" respectively, in accordance with the written specification (found in lines 19-21 on page 7 of the specification).

The bases of transistors "Tr1" and "Tr2" in Figs. 3 and 5 should not be connected to ground, in accordance with the preferred embodiments of the invention (found in lines 24-28 on page 7 of the specification).

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Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Sirito-Olivier (US 6172574)***.

Regarding **claims 1-3**, Figs. 5 and 6, lines 16-32 of column 5 and lines 16-43 of column 6 of Sirito-Olivier shows an oscillator circuit comprising a resonance circuit [10] formed of a crystal resonator as an inductor component [1] and dividing capacitors [Cbe and Ce], an oscillation amplifier configured of an emitter coupled logic circuit [combination of T4 and T5] driven by a power voltage [Vcc] connected to said resonance circuit, and a pull-down resistor [series connection of R6 and R7] provided between an output terminal of said oscillation amplifier [collector of T5] and ground [AC ground at Vcc], wherein said pull-down resistor acts as serially connected dividing resistors [R6 and R7] and also a bias capacitor [C3] is provided between a connection point between said dividing resistors and ground [via T7 and T3].

Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Meyer (US 5627498)***.

Regarding **claims 4-6**, Fig. 3 and lines 48-67 of column 2 and lines 1-14 of column 3 of Meyer show a frequency switching crystal oscillator wherein a two input [P2 and P12], two output [P4 and P6] type of emitter coupled logic oscillation amplifier [the combination of transistors Q2, Q4, Q6, Q12, Q14 and Q16] having signals of mutually opposite phase is connected to a resonance circuit formed of a resonator [crystal Y2 and its "mirror image" about R22] and dividing capacitors [pair DV2 and DV4 and their "mirror" pair about R22] acting as variable-voltage capacitance elements with a control voltage to vary oscillation frequency [provided by amplifier U2 and its "mirror" about R22]; a first crystal resonance circuit provided with a first electronic switch [Q6] is connected between a pair of input-output terminals [input P2 and output P4] for signals of mutually opposite phase; and a second crystal resonance circuit provided with a second electronic switch [Q16] is connected between another pair of input-output terminals [input P12 and output P6]; wherein the resonance frequencies of said first and second resonance circuits are different and also said first and second electronic switches are switched to select one of said resonance circuits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer.

Regarding **claim 7**, Meyer shows the oscillator according to claim 4 except, wherein said oscillator is a crystal oscillator in which a quartz crystal is used in the resonator thereof. However, it is well known to one of ordinary skill in the art to use a quartz crystal as a resonator in an oscillator circuit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer by including a quartz crystal resonator in order to obtain better frequency shaping characteristics for the oscillator circuit.

Regarding **claim 8**, Meyer shows the oscillator according to claim 4 except, wherein said oscillator is a ceramic oscillator in which a ceramic is used in the resonator thereof. However, it is well known to one of ordinary skill in the art to use a ceramic component as a resonator in an oscillator circuit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer by including a ceramic resonator in order to obtain better frequency shaping characteristics for the oscillator circuit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hashimoto et al. (US 6433309)** discloses an oven-controlled oscillator including a thermostatic oven and an oscillation circuit for generating an oscillation signal in response to a vibrator and a heat source control circuit in said thermostatic oven.

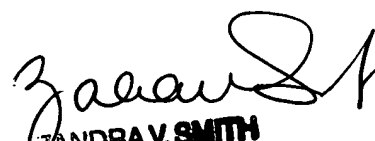
***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James E. Goodley. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (571)272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ZANDRA V. SMITH**  
**PRIMARY EXAMINER**